URBAN/MUNICIPAL
CA4ONHBLA08
82B203

PROCEDURAL BY-LAW
FOR THE CITY OF HAMILTON
1982 - 1991

This Consolidation of the By-law is prepared for convenience only, for accurate reference please, check the original By-law.

Bill No. D-26

The Corporation of the City of Hamilton

BY-LAW NO. 95- 092

To Amend By-law No. 82-203

Respecting

THE PROCEDURAL BY-LAW

WHEREAS By-law No. 82-203 was enacted by Council on the 28th day of September 1982 as the City's Procedural By-law;

AND WHEREAS the Planning and Municipal Act and Statute Law Act, S.O. 1994, Chapter 23, requires municipalities to amend their procedural by-laws to comply with the requirements of the Act;

AND WHEREAS Council, on 1995 April 25, in adopting Item No. 10 of the Twelfth Report of the Finance and Administration Committee authorized this By-law;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. By-law No. 82-203 is amended by changing the preamble to read:

   To Regulate the Proceedings of the Municipal Council and Committees of the City of Hamilton.

2. Subsection (1) of Section 2 of By-law No. 82-203 is repealed and replaced by the following:

   "2. (1) The Regular Meetings of City Council shall, unless otherwise ordered and except as provided in subsection 2, be held at the City Hall on the second and last Tuesday of every month at seven-thirty o'clock p.m., except for the months of June, July, August and September, when one meeting only shall be held on the last Tuesday in each of the months and the month of December when one meeting only shall be held on the second Tuesday."

3. By-law No. 82-203 is amended by adding the following section:

   "29A. The Mayor or the Chairperson shall expel any person for improper conduct at a meeting."

4. Section 42 of By-law No. 82-203 is repealed and replaced by the following:

   "42. The release of municipal information shall be governed by the provisions of The Municipal Freedom of Information and Protection of Privacy Act."

5. Section 43 of By-law No. 82-203 is repealed and replaced by the following:

   "43. (1) Meetings of standing committees and committees shall be open to the public and no person shall be excluded therefrom except for improper conduct or if the subject matter being considered is:

   (a) the security of the property of the City of Hamilton or a local Board;

   (b) personal matters about an identifiable individual, including municipal or local board employees;

(c) a proposed or pending acquisition of land for municipal or local board purposes;

(d) labour relations or employee negotiations;

(e) litigation or potential litigation, including matters before administrative tribunals, affecting the City of Hamilton or local board;

(f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(g) a matter in respect of which a council or committee has authorized a meeting to be closed under another Act.

(h) the consideration of a request under the Municipal Freedom of Information Act and the Protection of Privacy Act, if the Council or Committee or Board is designated as head of the institution for the purposes of the Act.

(2) Prior to holding a meeting, or part of a meeting that is closed to the public, the Council or Committee shall state by resolution:

(a) the fact of the holding of the closed meeting, and

(b) the general nature of the matter to be considered at the closed meeting.

(3) A meeting shall not be closed to the public during the taking of a vote.

(4) Despite subsection 3 and Section 61 (2) of the Municipal Act, a meeting may be closed to the public during a vote if,

(a) Section 43(1) of this By-law permits the meeting to be closed to the public; and

(b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City or a local Board or persons retained by, or under, contract with the City or a local Board."

6. Section 44 is repealed and replaced with the following:

"44. The short title of this By-law is "**The Procedural By-law**"."

7. By-law No. 82-203 is amended by repealing Sections 45 and 46.

PASSED this 25th day of April 1995.

CITY CLERK

MAYOR

Bill No. A-31

The Corporation of the City of Hamilton

BY-LAW NO. 90-152

To Amend Procedural By-law No. 82-203, as amended

and

To Repeal By-law No. 79-86, as amended

Respecting:

HEARINGS BY COMMITTEES OF COUNCIL

URBAN MUNICIPAL
GOVERNMENT DOCUMENTS

WHEREAS Section 104 of the Municipal Act, R.S.O. 1980, Chapter 302, as amended, provides in part as follows:

> "Every council may pass...by-laws...for governing the proceedings of the council, the conduct of its members and the calling of meetings";

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Procedural By-law No. 82-203 on the 28th day of September 1982;

AND WHEREAS Section 106(1) of the Municipal Act, R.S.O. 1980, Chapter 302 provides as follows:

> "Where the council of a municipality is required by law to hear interested parties or to afford them an opportunity to be heard before doing any act, passing a by-law, or making a decision, the council may provide by by-law for a committee of the council to hear such parties or afford them an opportunity to be heard in the place and stead of the council, and, where a hearing is conducted or an opportunity to be heard is afforded by a committee under such a by-law in respect of any matter, the council may do the act, pass the by-law, or make the decision in respect of which the hearing was held or the opportunity for hearing afforded without being required to hold a hearing or afford an opportunity for a hearing in respect of such matter";

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 79-86 on the 13th day of March 1979 to authorize hearings by Committees of Council which by-law was amended by By-law No. 81-42, passed on the 27th day of January 1981;

AND WHEREAS the Council of The Corporation of the City of Hamilton, adopted a motion at its meeting held on the 31st day of October 1989 to revise the structure of the Standing Committees of Council;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 43(a) of the 18th Report of the Finance and Administration Committee at its meeting held on the 29th day of May 1990, recommended that Procedural By-law No. 82-203 be further amended to incorporate provisions to delegate authority to the Standing Committees of Council to hold hearings in place and in stead of Council.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 82-203 as amended is further amended by adding the following section:

37a. Every committee of council named in Section 30(1) shall hear interested parties or afford them an opportunity to be heard in place and stead of council.

2. By-law No. 79-86 and By-law No. 81-42 are hereby repealed.

3. This by-law comes into force and effect on the date of its passing and enactment.

PASSED this *29th* day of *May* A.D. 1990.

Deputy City Clerk

Mayor

(1990) 18 R.F.A.C. 43(a) May 29

CERTIFIED A TRUE COPY

CITY CLERK

Bill No. E-9

The Corporation of the City of Hamilton

BY-LAW NO. 89-346

To Amend:

Procedural By-law No. 82-203

Respecting:

STANDING COMMITTEES

WHEREAS S. 104 of the Municipal Act, R.S.O. 1980, c. 302 provides as follows:

> Every council may pass ...by-laws...for governing the proceedings of the council, the conduct of its members and the calling of meetings;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 82-203 on the 28th day of September 1982 to provide for the appointment of an Acting Mayor and to Regulate the Proceedings in the Municipal Council of The Corporation of the City of Hamilton and in the Committees thereof;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting a Motion at its meeting held on 31 October 1989, directed that By-law No. 82-203 as amended be further amended to reduce the number of Standing Committees to four (4), as hereinafter provided.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Parts IIA and III, being Sections 29a through 43 inclusive, are hereby revoked and the following substituted therefor:

PART III

COMMITTEES

30. (1) There shall be appointed, at the first meeting of the newly elected Council, the following Committees, which shall be the Standing Committees of the Council:

(a) Transport and Environment Committee
(b) Parks and Recreation Committee
(c) Planning and Development Committee
(d) Finance and Administration Committee

(2) Each Standing Committee shall consist of the Mayor and one Alderman from each of the eight wards.

(3) The Council shall fix the day and hour for the regular meetings of its Standing Committees.

31. (1) The Nominating Committee shall consist of all members of Council and shall be chaired by the Mayor.

(2) Notwithstanding Section 30(3), the Committee shall meet at the call of the Chair.

32. Meetings of the Committees shall be called by the City Clerk on request of the Chairperson or, in the absence of the Chairperson, on request of the Vice-Chairperson or in the absence of the Vice-Chairperson, upon request of the Mayor.

CONDUCT OF BUSINESS IN COMMITTEES

33. The business of the Standing and Special Committees shall be conducted as follows:

1. The Chairperson, or in the absence of the Chairperson, the Vice-Chairperson, shall preside and shall have a vote on all questions submitted, and in case of an equal division the question shall be decided in the negative.

2. In the absence of the Chairperson and the Vice-Chairperson one of the other members shall be elected to preside, and shall discharge the duties of the Chairperson during the meeting, or until the arrival of the Chairperson or Vice-Chairperson at such meeting.

3. A quorum shall consist of the number of members of the Committee required to make a bare majority of the total membership of the Committee.

4. The minutes of the transactions of every Committee shall be accurately entered in a book provided for that purpose.

5. The Rules of Order of the Council while in Committee of the Whole shall, as far as practicable, be observed by the Standing and Special Committees.

GENERAL DUTIES OF COMMITTEES

34. The general duties of the Standing and Special Committees shall be as follows:

1. To report to the Council from time to time, as often as the interest of the City may require, all matters connected with the duties imposed on them respectively, and to recommend such action by the Council in relation thereto as may be deemed necessary or expedient.

2. To recommend to Council the implementation of all projects, schemes, programmes, etc. under its purview for which monies have been provided in the current or capital budget as approved by Council.

3. To examine all accounts connected with the performance of any works or the purchase of any materials or goods under their supervision.

4. To consider and report upon all matters referred to them by the Council or by the Mayor.

5. To receive and consider all departmental recommendations by department heads.

6. To adhere strictly in the transaction of all business, to the rules prescribed by the by-laws of the Council.

7. To recommend to City Council the awarding of contracts under the Committee's auspices.

8. To recommend to City Council any proposed by-laws considered by the Committee.

9. To recommend to City Council the sale and purchase of land under the Committee's jurisdiction.

35. Committees may, if they deem it necessary or advisable, set up a Sub-Committee to deal with special or specific matters that come under the terms of reference of the Committee. The term of Sub-Committee so appointed shall be at the pleasure of the particular Standing Committee and shall be responsible to and report to that Standing Committee.

36. Every City Department in respect to which a Standing Committee is required to report to Council on matters relating to the department, shall report to the Committee and may make such recommendations to the Committee as are necessary or expedient for consideration of the Committee.

STANDING COMMITTEES OF COUNCIL

TRANSPORT AND ENVIRONMENT COMMITTEE

37. (1) In addition to any other duties prescribed under this and any other by-law of the Corporation, the duties of the Transport and Environment Committee shall be as follows:

1. To report and/or recommend to City Council on all matters pertaining to provisions for the safe, efficient movement of persons and goods, and the protection of the environment from excessive air, water, ground and noise pollution.

2. To ensure that the use of public thoroughfares by contractors or individuals or by any other Committee, Commission, Company or Municipality is properly administered and regulated.

3. To ensure that surface drainage in the City of Hamilton is properly managed and administered in accordance with existing Provincial Statues and existing policies and by-laws of the City.

4. To ensure that a liaison is maintained between the City and other levels of Government on all matters of pollution control.

5. To ensure proper administration and reporting to City Council of,

(a) all programmes to enforce by-laws in respect of all non-moving vehicular violations on public thoroughfares, municipal property, and all private properties;

(b) all programmes of maintenance on all public thoroughfares and any other properties under the auspices of the Committee;

(c) all matters relating to the collection of solid waste and domestic refuse;

(d) all matters relating to the control of weeds in the City;

(e) all matters relating to the maintenance and operation of City vehicles under the auspices of the Committee;

(f) all matters relating to the maintenance of public open spaces;

(g) all matters relating to the construction and operation of all City-owned or operated buildings under the auspices of the Committee;

(h) all legal surveying required by the City;

(i) a programme to enforce noise and pollution violations in the City of Hamilton under by-law regulations;

(j) all matters relating to the Harbour except matters relating to the duties of the Planning and Development Committee.

6. To recommend to City Council,

(a) and report on all matters relating to public thoroughfares, except those that pertain to other boards, commissions, or municipalities;

(b) the planning design, and implementation of all public thoroughfare improvements;

(c) all programmes for public thoroughfare lighting in the City;

(d) all programmes of traffic control measures;

(e) all matters pertaining to the conservation of energy relating to City operations;

(f) all plans of heavy truck routes;

7. To recommend annual budgetary requirements to the Finance and Administration Committee.

8. To consider and report to Council on all matters relating to,

(a) Engineering,

(b) Hamilton Harbour, (except matters under the jurisdiction of the Planning and Development Committee),

(c) the Department of Public Works, Traffic Department and City functions of the Regional Engineering Department.

(2) For the purpose of this section, "public thoroughfare" includes streets, boulevards, sidewalks, lanes, alleys, pedestrian paths, bicycle paths, rights-of-way and unopened road allowances.

PARKS AND RECREATION

38. In addition to any other duties prescribed under this and any other by-law of the Corporation, the duties of the Parks and Recreation Committee shall be as follows:

1. (a) to report and/or recommend to City Council on all matters pertaining to the provision of leisure services as they relate to parks, recreation, museums and historical resources, and the provision of cemetery services;

(b) for the purpose of this section,

(i) "public facilities" includes recreation centres, rinks and arenas and playgrounds, museums and historical resources and cemeteries;

(ii) "leisure time services" includes active, passive, cultural, spectator and special event activities, which contribute to the well-being and personal growth and development of the participant.

2. To ensure that a programme to promote the beautification of lawns and gardens of private properties is properly administered, and reported to Council.

3. to ensure that all matters relating to the construction and operation of all City-owned or operated buildings under the auspices of this Committee are properly administered and reported to Council.

4. To ensure that all matters relating to maintenance of park lands and cemeteries are properly administered and reported to Council.

5. To ensure that a liaison is maintained between the City of Hamilton and the Boards of Eduction regarding the joint community use of facilities for parks and recreation purposes, and the planning and development of school/recreation and historical resource facilities.

6. To ensure that a liaison is maintained between the City of Hamilton and other independent boards and commissions, committees and groups, as related to leisure services.

7. To co-ordinate with other Committees, the planning and implementation of various neighbourhood programmes so as to ensure that projects, as they relate to parks and recreation services, are properly managed.

8. To consider and report to Council on all matters relating to the Department of Culture and Recreation and on public facilities.

9. To recommend to Council,

   (a) all programmes providing constructive leisure services;

   (b) the regulation and use of public facilities by individuals, organizations or commercial enterprises, including rental fees and/or charges relating to the use of the public facilities;

10. To recommend annual budgetary requirements to the Finance and Administration Committee.

PLANNING AND DEVELOPMENT COMMITTEE

39. In addition to any other duties prescribed under this and any other by-law of the Corporation, the duties of the Planning and Development Committee shall be as follows:

1. To report and/or recommend to City Council on all matters pertaining to the use of land and the physical development of the City of Hamilton.

2. To recommend to Council,

   (a) upon all matters under the Planning Act and any other Act that may affect land use planning and the local planning functions including,

      (i) all matters related to redevelopment programmes;

      (ii) on applications for the demolition of structures;

(b) all matters relating to local architectural conservation and the Housing Company Limited;

(c) all matters relating to the Harbour relating to land use planning. By-law No. 87-93, S.2.

3. To decide on applications for Site Plan Control.

4. To consider and report to Council on all matters relating to the local planning function of the Regional Planning and Development Department, the Building Department, the Community Development Department, the Property Standards Committee, and the Committee of Adjustment. By-law No. 83-88, S. 2(1).

5. To consider and report to Council on all matters relating to new development in Lloyd D. Jackson Square.

6. To recommend annual budgetary requirements to the Finance and Administration Committee.

FINANCE AND ADMINISTRATION COMMITTEE

40. In addition to any other duties prescribed under this and any other by-law of the Corportion, the duties of the Finance and Administration Committee shall be as follows:

(a) FINANCE:

1. Report and/or recommend to City Council on all aspects relating to the Capital Budget Programme.

2. Monitor, report monthly and recommend to City Council on all capital projects and aspects thereof;

3. Report and/or recommend to City Council on the financial requirements of the Board of Education and The Regional Municipality of Hamilton-Wentworth.

4. Ensure that the Current Estimates of the proposed expenditures and revenues for The Corporation of the City of Hamilton, The Hamilton Public Library Board, The Hamilton Entertainment and Convention Facilities Inc., and the Parking Authority for the City of Hamilton, are prepared annually, and to submit same to Council for its approval, together with the necessary by-laws for mill rate purposes.

5. Ensure that the Estimates are received annually from the Board of Education of the City of Hamilton, The Hamilton-Wentworth Roman Catholic Separate School Board, and The Regional Municipality of Hamilton-Wentworth, and advise Council of the resulting levy for each of these Board and Region, together with the resulting mill rates.

6. Ensure that any measures as may be deemed necessary to regulate and establish policy on all procedures connected with expenditures, revenues and investments in order to establish proper accounting procedures for not only the departments of the City of Hamilton but also for its independent Boards.

7. Recommend to Council,

   (a) the purchasing policies and procedures for The Corporation of the City of Hamilton,

   (b) recommend to Council the approval of all City grants.

8. Receive and submit to Council the annual Financial Report to the City of Hamilton and the Independent Boards, as certified by the City Auditors, and to recommend to Council any appropriate action based on the Auditor's Report.

9. To manage the Hamilton Municipal Retirement Fund plan in accordance with By-law No. 79-70 and to report to Council.

(b) PERSONNEL:

1. To recommend to City Council,

   (a) procedures for establishing position and terms of employment;

   (b) establishing position and terms of employment;

   (c) duties to be performed by employees;

   (d) a method of evaluating employees;

   (e) the establishment of salary ranges and salaries for each position;

   (f) matters relating to classification or reclassification of employees;

(g) report and/or recommend to City Council on all matters relating to the Chief Administrative Officer, Department Heads and Acting Department Heads;

(h) the appointment, suspension, dismissal, termination, resignation, and retirement of employees upon the recommendation of the Department Head;

(i) report and/or recommend to City Council on all matters relating to departmental reorganization;

(j) on security to be furnished for the performance of duties by officers in accordance with subsection 94(1) and paragraph 45 of Section 208 of the Municipal Act, R.S.O. 1980, c. 302;

(k) all matters pertaining to labour negotiations, collective agreements and changes thereto, and grievances;

(l) any other agreement or contract relating to personnel;

(m) on all matters pertaining to the occupational health and safety of employees;

2. Subject to the Statutory Powers Procedure Act, to hold hearings on appeals in respect of the administration of rules and regulations and of decisions, methods, practices, procedures and acts relating to or affecting employees and on personnel matters, upon request of an employee affected or upon initiative of a Committee, including conflict of interest policy, and to make recommendations to City Council in respect of appeals or any other matter dealt with.

3. To undertake such responsibilities to personnel matters as may be necessary to carry into effect personnel policy of the City.

(c) LEGISLATION:

1. To report and/or recommend to City Council on all matters for which it may be necessary for the Corporation to seek legislation, not directly related to other Committees, and to make recommendations pertaining to civic hospitality.

2. To recommend to City Council,

   (a) action to be taken on resolutions from other municipalities;

   (b) all matters related to civic awards;

   (c) all matters in connection with receptions and entertainment of a public nature;

   (d) the City's participation in conferences, conventions, etc.;

   (e) all matters relating to the Hamilton Farmers' Market.

3. To consider requests for the use of City Hall facilities.

4. To consider and recommend to Council on all matters relating to the City of Hamilton Licensing Committee.

(d) GENERAL:

1. Deal with all matters not delegated to other Committees.

2. Consider and report to Council on all matters relating to the Chief Administrative Officer, City Clerk's, Treasury, Property, City Solicitor's, Fire, and Human Resources Departments.

3. Consider and report to Council on all matters relating to existing development in Lloyd D. Jackson Square.

4. Report and/or recommend to City Council on all matter pertaining to City boards and commissions.

5. To act as the City's liaison with all independent boards to which the City makes appointments.

6. For the purpose of this by-law,

(a) "city board" includes The Hamilton Public Library Board, The Hamilton Parking Authority, The Hamilton Entertainment and Convention Facilities, Inc.;

(b) "independent board" includes The Canadian Football Hall of Fame Committee, the Museum Management Committee, The Hamilton Society for the Prevention of Cruelty to Animals.

COMMITTEE OF THE WHOLE

NOMINATING COMMITTEE

41. (1) In addition to any other duties prescribed under this and any other by-law of the Corporation, the duties of the Nominating Committee shall be as follows:

1. To recommend to Council,

(a) the appointment of the Chairperson, Vice-Chairperson and the members of Council to the Standing Committees and any other Special Committees of the Council;

(b) on the appointment of the Aldermen to Standing Committees, the Alderman in each ward shall select alternately from the list of the Committees as set out in Section 30(1) commencing with the Alderman who received the most votes in his or her respective ward until each Alderman will be serving on three Committees;

(c) the appointment of members of Council to local boards to which Council may appoint or is required to appoint members;

(d) no member of Council, except the Mayor, shall serve on or represent Council on more than a total of three Special Committees, Local Boards, Commissions or Corporations;

(e) the appointment of citizens to Special Committees of council, committees, body, authority and boards including local boards, to which Council may appoint or is required to appoint citizen members.

(2) For the purpose of this section, "local board" has the same meaning as in the Municipal Affairs Act, R.S.O. 1980, c. 303.

2. Sections 44, 45, 46, 47 and 48 are hereby renumbered as sections 42, 43, 44, 45 and 46 respectively.

3. In all other respects By-law No. 82-203, as amended, is hereby confirmed, unchanged.

4. This by-law shall come into force and effect on the 1st day of January 1990.

PASSED this *28* day of *NOVEMBER* A.D. 1989.

City Clerk Mayor

Motion Adopted by City Council on 31 October 1989.

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CITY CLERK

Bill No. E-15

The Corporation of the City of Hamilton

BY-LAW NO. 88- 268

To Amend:

Procedural By-law No. 82-203

Respecting:

EXECUTIVE COMMITTEE

WHEREAS By-law No. 82-203 was passed on the 28th day of September, 1982 to regulate the proceedings in the municipal Council of the City of Hamilton, and in the Committees thereof;

AND WHEREAS Parts IIA and III of said By-law No. 82-203 respectively provide for the appointment of an Executive Committee and delineates its duties;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 2 of the 11th Report of the Legislation Committee at its meeting of 11 October 1988, directed that By-law No. 82-203 be amended to change the name of the Executive Committee.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 29a of By-law No. 82-203 is amended by striking out the words "Executive Committee" wherever they appear, and inserting in lieu thereof the words "Co-ordinating Committee".

2. (a) Section 30(1) of By-law No. 82-203 is amended by striking out the words "Executive Committee" in the fourth line, and inserting in lieu thereof the words "Co-ordinating Committee".

(b) Section 37(1) of By-law No. 82-203 is amended by striking out the words "Executive Committee" in the first and second lines, and inserting in lieu thereof the words "Co-ordinating Committee".

3. In all other respects, Parts IIA and III of By-law No. 82-203 are hereby confirmed, unchanged.

4. This By-law comes into effect on Election Day, the 14th day of November 1988.

PASSED this 8th day of November, A.D. 1988.

City Clerk

(1988) 11 R.L.C. 2, October 11

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CITY CLERK

Bill No. E-10.

07/26/88

The Corporation of the City of Hamilton

BY-LAW NO. 88- 194

To Amend:

Procedural By-law No. 82-203

Respecting:

COUNCIL MEETINGS

WHEREAS By-law No. 82-203, passed on the 28th day of September 1982, established a procedure respecting Meetings of the Council of The Corporation of the City of Hamilton, being Part II of By-law No. 82-203;

AND WHEREAS S.2(1) of the said By-law No. 82-203 provides that the Council of The Corporation of the City of Hamilton shall meet twice each month except for the months of June, July, and August;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 3 of the 8th Report of the Legislation Committee at its meeting of 28 June 1988, directed that By-law No. 82-203 be amended to include the month of September in the exempting provision under S. 2(1).

NOW THEREFORE, the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 2(1) of By-law No. 82-203 is repealed, and the following is substituted therefor:

> 2. (1) The Regular Meetings of City Council shall, unless otherwise ordered and except as provided in subsection 2, be held on the second and last Tuesday of every month at seven-thirty o'clock p.m. except for,
>
> (i) the months of June, July, August, and September, when one meeting only shall be held on the last Tuesday in each of the months, and
>
> (ii) the month of December when one meeting only shall be held on the second Tuesday of the month.

2. In all other respects, section 2 of By-law No. 82-203 is hereby confirmed, unchanged.

PASSED this 27th day of July , A.D. 1988.

Deputy City Clerk

Mayor

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CITY CLERK

(1988) 8 R.L.C. 3, June 28

The Corporation of the City of Hamilton

BY-LAW NO. 87-154

To Amend:

Procedural By-law No. 82-203

Respecting:

MEETING DATES OF THE EXECUTIVE COMMITTEE

WHEREAS subsection 29b(4) of By-law No. 82-203 provides as follows:

> (4) The Executive Committee shall hold a regular meeting once each week or at the call of the Chairman.

AND WHEREAS it is intended to change the meeting dates.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 29b(4) is repealed and the following substituted therefor:

> (4) The Executive Committee shall hold a regular meeting on the Thursday of the week prior to Council meetings.

PASSED this 26th day of May A.D. 1987.

City Clerk Mayor

CERTIFIED A TRUE COPY

CITY CLERK

(1987) 11 R.E.C. 7, May 12

Bill No. E-5

The Corporation of the City of Hamilton

BY-LAW NO. 87- 59

To Amend:

Procedural By-law No. 82-203

WHEREAS By-law No. 82-203 provides for (amongst other things), the times during which the City Council shall reconvene after 11:00 o'clock p.m. is reached during a session of the Council;

AND WHEREAS it is intended to remove the limitation.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5(3) of By-law No. 82-203 is repealed.

PASSED this 24th day of February A.D. 1987.

City Clerk

Mayor

olution of City Council,
ue 10, 1987

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CITY CLERK

30

Bill No. E-12

The Corporation of the City of Hamilton

BY-LAW NO. 86- 215

To Amend:

Procedural By-law No. 82-203

Respecting:

THE ACTING MAYOR

WHEREAS By-law No. 82-203, passed on the 28th day of September, 1982, as amended by By-law No. 86-94, passed on the 11th day of March, 1986, provided for the Mayor to be Chairman of Council as well as Chairman of the Committee of the Whole;

AND WHEREAS it is desirable that the Acting Mayor shall be Chairman of the Committee of the Whole.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 6 of By-law No. 82-203, as enacted by section 2 of By-law No. 86-94, is repealed and the following substituted therefor:

6. (1) The Mayor shall be Chairperson of Council.

(2) Where the Mayor is not in attendance at a meeting of Council, the Acting Mayor as appointed shall preside until the arrival of the Mayor.

(3) When Council moves to Committee of the Whole, the Chair shall be assumed by the Alderman serving as Acting Mayor.

(4) When the acting Mayor is serving in place of the Mayor, the Chair when Council moves into Committee of the Whole, shall be assumed by the Alderman in attendance who last served as Acting Mayor.

PASSED this 25th day of JUNE A.D. 1986.

Deputy City Clerk

Mayor

(1986) 8 R.L.C. 4, April 29

The Corporation of the City of Hamilton

BY-LAW NO. 85-18

To Amend:

Procedural By-law No. 82-203

Respecting:

AN EXECUTIVE COMMITTEE

WHEREAS Procedural By-law No. 82-203, passed on the 28th day of September, 1982, provides (amongst other things) for Committees of Council;

AND WHEREAS it is desirable to establish a Committee of Council to be known as the "Executive Committee".

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 82-203 is amended by adding thereto the following:

PART IIA

EXECUTIVE COMMITTEE

29a (1) Subject to subsection 2, there shall be first appointed at the first meeting of the newly elected Council, an Executive Committee:

1st - Executive Committee

(2) The first appointed Executive Committee may be appointed during the period preceding December 1, 1985.

(3) Subsection 30(3), sections 32, 33, 34, and 35 of the said By-law apply, with all necessary changes.

29b (1) The Executive Committee shall be composed of the Mayor who shall act as Chairman and four members of Council.

(2) The four members of Council on the Executive Committee shall not be chairman or vice-chairman of other Standing Committees.

(3) The four members shall be elected by Council upon nomination by the Mayor and from the floor.

(4) The Executive Committee shall hold a regular meeting once each week or at the call of the Chairman.

2. Subsection 30(1) of the said by-law is amended by striking out the references "1st", "2nd", "3rd", "4th", "5th" and "6th" respectively corresponding to each Committee and substituting in lieu thereof "2nd", "3rd", "4th", "5th", "6th" and "7th".

3. The said by-law is amended by adding after "**STANDING COMMITTEES OF COUNCIL**", the following:

EXECUTIVE COMMITTEE

36a. The duties of the Executive Committee shall be as follows:

1. To review all Committee reports before their presentation to Council.

2. To add recommendations to Committee reports as it deems necessary for consideration by Council prior to consideration by Council of the original Committee recommendation.

3. To monitor and report monthly to City Council on all capital projects and other matters referred to it by Council.

4. To deal with all matters not delegated to other Committees by Council.

5. To co-ordinate the actions and policies recommended to Council by Committees.

PASSED this 29th day of January A.D. 1985.

Deputy City Clerk

Mayor

CERTIFIED A TRUE COPY

DEPUTY CITY CLERK

Resolution adopted by City Council on November 27, 1984

Bill No. E-28

The Corporation of the City of Hamilton

BY-LAW NO. 83- 273

To Amend:

Procedural By-law No. 82-203

Respecting:

ACCESS TO INFORMATION

WHEREAS By-law No. 82-203, passed on the 28th day of September, 1982, provides (amongst other things) for access to information with certain exceptions as set out in subsection 44(4) of the by-law;

AND WHEREAS it is desirable to restrict access to information prepared by the City's investigator with respect to compassionate appeals.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 44(4) of By-law No. 82-203 is amended by adding thereto the following paragraph:

6. Information prepared by the City's investigator in respect of applications made under subsection 496 (1) of The Municipal Act by any person who is unable to pay taxes because of sickness or extreme poverty.

PASSED this 28th day of September A.D. 1983.

City Clerk

Mayor

Resolution moved
by Alderman D. Gray
Adopted by City Council
on August 31, 1983

Bill No. E-24

The Corporation of the City of Hamilton

BY-LAW NO. 83- 260

To Amend:

Procedural By-law No. 82-203

Respecting:

THE CHIEF ADMINISTRATIVE OFFICER

WHEREAS By-law No. 82-203, passed on the 28th day of September, 1982, provides (amongst other things) for reporting by City Departments to Committees of Council;

AND WHEREAS pursuant to paragraph 3 of section 42 of the said by-law, the Chief Administrative Officer's Department reports to the Personnel Committee;

AND WHEREAS section 11 of the 14th Report of the Legislation Committee, adopted by City Council on June 28, 1983, requires that the Chief Administrative Officer report to the Finance Committee.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Paragraph 3 of section 42 of By-law No. 82-203 is amended by striking out "and Chief Administrative Officer's", in the second line.

2. Paragraph 8 of section 39 of the said by-law is amended by adding after "Architect's" in the second line, ", Chief Administrative Officer's".

PASSED this 31st day of August A.D. 1983.

City Clerk

Mayor

(1983) 14 R.L.C. 11, June 28

Bill No. E-10

The Corporation of the City of Hamilton

BY-LAW NO. 83-88

To Amend:

Procedural By-law No. 82-203

Respecting:

LLOYD D. JACKSON SQUARE

WHEREAS By-law No. 82-203, passed on the 28th day of September, 1982, provides (amongst other things) for duties of standing committees of council including the Finance Committee and the Planning and Development Committee;

AND WHEREAS it is desirable that Reports concerning existing development in Lloyd D. Jackson Square shall be dealt with by the Finance Committee and Reports concerning new development in Lloyd D. Jackson Square shall be dealt with by the Planning and Development Committee.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 39 of By-law No. 82-203 is amended by adding thereto the following paragraph:

8a. To consider and report to Council on all matters relating to existing development in Lloyd D. Jackson Square.

2. (1) Paragraph 5 of section 40 of the said by-law is amended by inserting "and" after the word "Committee," in the fourth line, and striking out ", and the co-ordination of Lloyd D. Jackson Square" at the end thereof.

(2) Section 40 of the said by-law is amended by adding thereto the following paragraph:

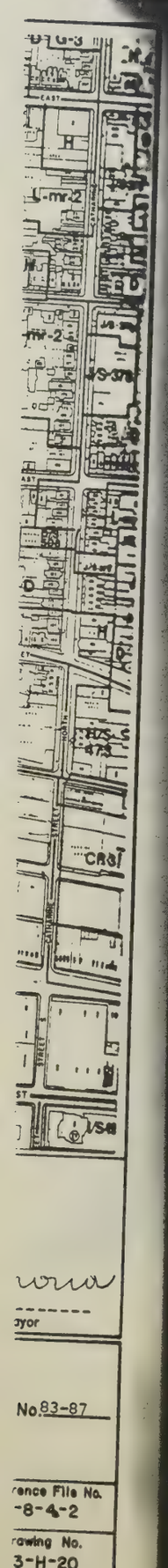
6. To consider and report to council on all matters relating to new development in Lloyd D. Jackson Square.

PASSED this 8th day of March A.D. 1983.

City Clerk

Mayor

(1983) 7 R.L.C. 2, February 22



CITY OF HAMILTON PROCEDURAL BY-LAW

BY-LAW 82-203

	Section	Page
ACCESS TO COMMITTEE MEETINGS		
Open to Public	45	18
ACCESS TO INFORMATION		
Council Members	44(2)	17
Information (documents) defined	44(1)	17
Public	44(3)(4)(5)(6)	17
ACTING MAYOR		
Appointment	1	1
Schedule for		19
ADJOURNMENT		
Failure of Quorum	5(1)	3
Quorum	5(3)	3
APPOINTMENTS		
Acting Mayor	1	1
Citizen on Committees	31(1)	7
Nominating Committee	24	6
Special Committees	30(2)	7
Standing Committees	35	8
Sub-Committees		
BY-LAWS		
Introduction of	22	6
Readings	23	6
COMMITTEES (see also Standing Committees of Council)		
Conduct of Business	46	18
Agenda	33(3)	7
Quorum	33(4)	7
Minutes	33(1)(2)	7
Presiding Officer	33(5)	7
Rules of Order		
Duties of Committees	37-43	8
Specific Duties of Committees	34(2)(5)	8
Recommendations	34(1)(4)	8
Reports	34(3)	8
Supervision	45	18
Meetings, access to	30(3), 32	7
Meetings, date & time	24	6
Special Committee	30(1)37-42	6
Standing Committees		
CONDUCT		
Committee Business	33-36	7
Members of Council	14,18,19	5
During the Putting of a Question	21	6

	Section	Page
COUNCIL MEETINGS		
Falling on Public Holiday	2(2)	2
Meetings, date & time	2(1)	1
Interupting a Member	19	5
Order of Business (agenda)	7	3
Parliamentary Guide	28	6
Persons Authorized	29	6
Presiding Officer	6(1)	3
Absence of Mayor	6(2)	3
Acting Mayor	1	1
Perequisite to Actng as Chairperson	6(5)	3
Quorum	4	3
Seating	3	2
Speaking to a Motion	14,18	5
Voting	16	5
COUNCIL MEMBERS		
Appeal Ruling	15(3)	5
Called to Order	15(1)(2)	5
Debate	18	5
Interupting	19	5
Recorded Vote	17	5
Speaking to a Motion	14	5
Voting	16	5
DEBATE		
Interupting Speaker	19	5
Speaking Time	18	5
FINANCE COMMITTEE		
Appointment	30(2)	7
Duties	39	11
Meetings, access to	45	18
Meetings, date & time	30(3)	7
Members	30(2)	7
LEGISLATION COMMITTEE		
Appointment	30(2)	7
Duties	41	14
Meetings, access to	45	18
Meetings, date & time	30(3)	7
Members	30(2)	7
MEETINGS		
Falling on Public Holiday	2(2)	2
Meetings, date & time	2(1)	1
Order of Business	7	3
Persons Authorized	29	6
Quorum	4	3
Seating (council meetings)	3	2
Special meetings		
Calling of	2(3)	2
Business	2(5)	2

	Section	Page
Notice	2(4)	2
Voting	16	5
MOTIONS		
Adjourn	13	5
In Writing	9(1)	4
Mover & Seconder	9(2)(3)	4
Order of Precedence	11	4
Point of Information	20	6
Point of Order	15(1)(2)	5
Previous Question	12	5
Property of Council	10	4
Reconsider	26	6
Speaker to a motion	14,18	5
Voting	16	5
NOMINATING COMMITTEE		
Appointment	31(1)	7
Duties	43	16
Meetings, date & time	45	18
Members	31(2)	7
Presiding Officer	31(2)	7
PARKS & RECREATION COMMITTEE		
Appointment	30(2)	7
Duties	38	10
Meetings, access to	45	18
Meetings, date & time	30(3)	7
Members	30(2)	7
PERSONNEL COMMITTEE		
Appointment	30(2)	7
Duties	42	14
Meetings, access to	45	18
Meetings, date & time	30(3)	7
Members	30(2)	7
PLANNING & DEVELOPMENT COMMITTEE		
Appointment	30(2)	7
Duties	40	13
Meetings, access to	45	18
Meetings, date & time	30(3)	7
Members	30(2)	7
POINTS OF ORDER		
Appeal ruling	15(3)	5
Member Called to Order	15(1)(2)	5
Parliamentary Guide	28	6
PRESIDING OFFICER		
At Council	6(1)	3
Committee of Whole	6(3)(4)	3

The Corporation of the City of Hamilton

BY-LAW NO. 82 - 203

To Provide for the Appointment of an Acting Mayor and To Regulate the Proceedings in the Municipal Council of The City of Hamilton, and in the Committees Thereof.

PART I

MAYOR

1. (1) Except as provided in Subsection 2, an Alderman referred to in Column 2 of each of the Tables in Schedule "A" to this By-law shall act in place and stead of the Mayor and may excercise all the rights, powers and authority of the head of Council when the Mayor is absent from the City of Hamilton or the Mayor is absent through illness, in accordance with Schedule "A".

(2) Where an Alderman is unable to act for the corresponding month set out in Column 3, the Alderman present who last served as Acting Mayor shall act as Mayor in the place and stead of the Alderman unable to so act and the Alderman unable to so act shall not act as Mayor for the next succeeding month following the month that he was unable to act.

(3) No Alderman shall act as Mayor unless the Alderman shall have served on Council for at least 7 months.

(4) Notwithstanding Subsections 1 and 2, where it is apparent that the Mayor will be absent and/or will be unable to act for a period in excess of one month, the Council may, by By-law, appoint an Alderman to act in place and stead of the Mayor until his or her return and the Alderman may excercise all the rights and powers and authority of the head of Council.

(5) When an Alderman is appointed Acting Mayor under Subsection 4, his or her replacement shall be appointed in accordance with Subsections 1, 2 and 3.

PART II

COUNCIL

MEETINGS

2. (1) The Regular Meetings of City Council shall, unless otherwise ordered and except as provided in subsection 2, be held on the second and last Tuesday of every month at seven-thirty o'clock p.m. except the months of June, July, and August when one meeting only shall be held on the last Tuesday in each of the months and the month of December when one meeting only shall be held on the second Tuesday.

	Section	Page
In absence of Mayor	6(2)	3
Nominating Committee	31(2)	7
Prerequisite to Acting as Chairperson	6(5)	3
QUORUM		
Adjournment	5(3)	3
Constitution of	4(1)	3
Failure of Quorum	5(1)(2)	3
Present	4(2)	3
RULES & REGULATIONS		
Parliamentary Guide	28	6
Suspensio of	27	7
SEATING		
Exhanging	3(3)	2
Largest Number of Votes	3(2)	2
Order of	3(1)(2)	2
SPEAKER		
Conduct	14	5
Interuption	19	5
Length of Speaking	18	5
STANDING COMMITTEES OF COUNCIL		
City Departments shall report	36	8
List of Standing Committees	30(1)	6
Meetings, date & time	30(3),32	7
Members	30(2)	7
Special Meetings	32	7
SUB-COMMITTEES		
Appointment	35	8
TRANSPORT & ENVIRONMENT COMMITTEE		
Appointment	30(2)	7
Duties	37	8
Meetings, access to	45	18
Meetings, date & time	30(3)	7
Members	30(2)	7
VOTING		
Right to Vote	16(1)	5
Refrain from Voting	16(2)	5
Recorded Vote	17	5

(2) In the event a Regular Meeting falls on a public holiday, the meeting shall be at the same hour on the next following day not being a public holiday or on any other day as determined by the Council.

(3) A Special Meeting required for special business shall be called by the Mayor or at the request of any nine Aldermen, at such time and place as the Mayor or the Aldermen determine.

(4) Where a Special Meeting is called, the City Clerk shall summon the meeting by written notice delivered to each member of Council setting out the time, place of the Special Meeting and the purpose of the meeting, at least one day before the meeting.

(5) No matter shall be considered or discussed at a Special Meeting unless the matter is fully explained in the notice calling the meeting.

SEATING

3. (1) Subject to subsections 2 and 3 the members of Council shall take their seats in the following order:

1. Aldermen representing Ward 1, desks as designated to the left of the Mayor's Chair;

2. Aldermen representing Ward 2, desks as designated to the left of Ward 1 Aldermen;

3. Aldermen representing Ward 3, desks as designated to the left of Ward 2 Aldermen;

4. Aldermen representing Ward 4, desks as designated to the left of Ward 3 Aldermen;

5. Aldermen representing Ward 5, desks as designated to the left of Ward 4 Aldermen;

6. Aldermen representing Ward 6, desks as designated to the left of Ward 5 Aldermen;

7. Aldermen representing Ward 7, desks as designated to the left of Ward 6 Aldermen;

8. Aldermen representing Ward 8, desks as designated to the left of Ward 7 Aldermen.

(2) For each Ward, the Alderman receiving the largest number of votes shall sit on the right of his or her fellow Alderman representing the same Ward.

(3) Aldermen may exchange seats by mutual consent.

QUORUM

4. (1) A quorum shall consist of nine members of Council assembled for a meeting of City Council.

(2) Where a quorum is assembled, the City Clerk shall call the meeting to order and the Mayor shall take the Chair or in the absence of the Mayor, the Acting Mayor, and the business of the day commenced.

5. (1) If, within thirty minutes of the time called for the meeting, there is no quorum, the City Council shall stand adjourned until the next Regular Meeting unless a Special Meeting is called before a Regular Meeting.

(2) The names of the members of Council present and constituting less than the quorum shall be inserted in the records.

(3) When at any session of the Council the hour of 11:00 o'clock p.m. shall be reached, the Council shall adjourn and shall reconvene at 7:30 o'clock p.m. on the next day or at any other time as Council may decide.

CHAIRPERSON

6. (1) The Mayor shall be Chairperson of the Council.

(2) Where the Mayor is not in attendance, the Acting Mayor, as appointed under Part I shall preside until the arrival of the Mayor.

(3) When Council moves to Committee of the Whole, the Chair shall be assumed by the Alderman serving as Acting Mayor.

(4) When the Acting Mayor is serving in place of the Mayor, the Chair when Council moves into Committee of the Whole, shall be assumed by the Alderman in attendance who in accordance with Part I was last scheduled to serve as Acting Mayor.

(5) No Alderman shall preside at a meeting of Council unless the Alderman shall have served on Council for at least 7 months and Subsection 2 of Section 1 shall apply.

ORDER OF BUSINESS

7. The business of the Council shall be taken up in the following order:-

1st - Prayer
2nd - Presentation of the Minutes
3rd - The presentation of petitions and correspondence by the Clerk
4th - The reference of petitions and correspondence by the Mayor or Acting Mayor to their appropriate Committees, without motion.
5th - The third reading of the Bills which have had two readings at a previous meeting of the Council.

6th - The consideration in Committee of the Whole of the reports of the Standing Committees in the order stated in Section 30(1), hereof, followed by the Nominating Committee and Special Committee or Committees.
7th - The consideration of any business of which notice has been given at a previous meeting.
8th - Notice, in writing, of intention to introduce at the next meeting any matter or resolution.
9th - The first reading of the Bills.
10th - The consideration of the Bills in the Committee of the Whole. (Second Reading)
11th - The third reading of the Bills.
12th - Question Period.
13th - Adjournment.

PROCEDURE AT MEETINGS OF COUNCIL

8. No business, other than the business referred to in Section 7 shall be considered at a meeting of City Council unless it has been reported upon by the appropriate Committee, or City Council by a majority vote of the members present at the meeting deems it is in the best interest of the City to deal with any matter.

9. (1) Every motion or resolution shall be in writing.

(2) No member of Council other than the mover of a motion shall make introductory remarks on the motion.

(3) Except as provided in subsection 2, no member of Council shall have the right to speak on a motion or resolution until after the motion or resolution has been duly moved and seconded.

10. After a motion or resolution has been duly moved and seconded, it shall be deemed to be in possesion of the Council, but it may we withdrawn at any time with the approval of the majority of the Council.

11. Where a motion or resolution is under consideration, no motion or resolution shall be received except a motion or resolution having precedence in the following order:

1. To Adjourn;

2. To lay on the table;

3. To defer,

4. The previous question;

5. To refer;

6. To amend.

12. The previous question, until it is decided, shall preclude all amendments of the main question and shall be put without debate in the following words: "That this question be now put." If this motion be resolved in the affirmative the main question shall be put forwith; but if the previous question be resolved in the negative, the main question may then be considered.

13. (1) A motion to adjourn the Council shall always be in order and need not be in writing.

(2) The motion shall be decided upon without debate.

(3) No second motion to adjourn the meeting of City Council shall be made until after some intermediate proceeding shall have taken place.

14. (1) Where a member proposes to speak on a matter the member shall,

(a) rise from the allocated seat; and

(b) address the Mayor or Chairperson; and

(c) confine any comments or observations to the question or matter in issue or under discussion; and

(d) avoid any references to personality or personal remarks.

(2) Where one or more members rise to speak, the Mayor or Chairperson shall determine the order in which a member is entitled to speak.

15. (1) The Mayor or any member of Council may call any other member to order while speaking, and the debate shall then be suspended.

(2) Upon the debate being suspended, the member called to order shall not speak until the point of order is determined by the Chairperson.

(3) Any member may appeal the decision of the Chairperson and all appeals shall be decided by the Council without debate and are final.

16. (1) Each member present at the meeting of Council shall vote when a vote is taken unless otherwise prohibited by law.

(2) Except as provided in Subsection (1), a member present and not voting shall be deemed to have voted in the negative.

17. Whenever a recorded vote is requested by any member of the Council, on any matter, the vote shall be conducted by the Chairperson calling for those members voting in the affirmative to stand and be recorded by the City Clerk and then those members voting in the negative to stand and be recorded.

18. During a debate no person shall speak more than five minutes on any motion or resolution.

19. No member of Council shall hold discourse which may interrupt any other member who has the floor.

20. Any member of the Council may as of right require the question, motion or resolution under discussion to be read for the members' information at any time in a debate, but not so as to interrupt a member speaking.

21. Where the Mayor or Chairperson is putting a question under Section 11, no member of Council shall walk out of or across the floor of the Council Chambers or any other place where a meeting of City Council is held.

22. Every proposed By-law must be introduced by a motion for leave or by a report of a Committee, specifying the title of the By-law, and shall be decided without debate.

23. Every proposed By-law shall receive three separate readings.

24. Any member of Council initiating the establishment of a Special Committee for any purpose shall automatically be a member of that Committee.

25. No money appropriation not contained in the appropriate City budget shall be finally acted upon by the Council until it shall have been referred to the Finance Committee and no money shall be paid by the Treasurer unless ordered by the Council except coupons for interest on debentures, coroner's orders for inquests, insurance premiums when certified by the City Clerk, progress certificates and payments on contracts and pay lists, when signed by the Mayor, or in his absence the Acting Mayor and the Chairperson of the Department to which the same are chargable.

26. After any question, except one of indefinite postponment, has been decided, any member who voted in the majority may, at the same or at a subsequent meeting, move for a reconsideration thereof, but no discussion of the main question shall be allowed unless reconsidered.

27. Any one or more of these rules may be at any time temporarily suspended, with the consent of a majority of the members present.

28. All points of order or procedure not provided for in the preceding rules shall be decided in accordance with the Bourinot's Rules of Order.

29. During meetings of the Council, unless permission is given by the Mayor or Council, all persons excepting members of the Council, City Officers and press representatives, shall be excluded from the floor of the Council Chamber.

PART III

COMMITTEES

30. (1) There shall be appointed, at the first meeting of the newly elected Council, the following Committees, which shall be the Standing Committees of the Council:

1st - Transport and Environment Committee
2nd - Parks and Recreation Committee
3rd - Finance Committee

4th - Planning and Development Committee
5th - Legislation Committee
6th - Personnel Committee

(2) Each Standing Committee shall consist of the Mayor and one alderman from each of the eight wards.

(3) Each Standing Committee shall, at its first meeting, fix the day and hour for its regular meetings during the year.

31. (1) There shall be appointed at the first meeting of the newly elected Council a Nominating Committee which shall be a Committee of the Council of the Whole.

(2) The Nominating Committee shall consist of all members of Council and shall be chaired by the Mayor.

(3) Notwithstanding Section 30(3), the Committee shall meet at the call of the Chair.

32. Meetings of Committees shall be called by the City Clerk on request of the Chairperson or, in the absence of the Chairperson, on request of the Vice-Chairperson or, in the absence of the the Vice-Chairperson, upon request of the Mayor.

CONDUCT OF BUSINESS IN COMMITTEES

33. The business of the Standing and Special Committees shall be conducted as follows:

1. The Chairperson, or in the absence of the Chairperson, the Vice-Chairperson, shall preside and shall have a vote on all questions submitted, and in case of an equal division the question shall be decided in the negative.

2. In the absence of the Chairperson and the Vice-Chairperson one of the other members shall be elected to preside, and shall discharge the duties of the Chairperson during the meeting, or until the arrival of the Chairperson or Vice-Chairperson at such meeting.

3. A quorum shall consist of the number of members of the Committee required to make a bare majority of the total membership of the Committee.

4. The minutes of the transactions of every Committee shall be accurately entered in a book provided for that purpose.

5. The Rules of Order of the Council while in Committee of the Whole shall, as far as practicable, be observed by the Standing and Special Committees.

GENERAL DUTIES OF COMMITTEES

34. The general duties of the Standing and Special Committees shall be as follows:

1. To report to the Council from time to time, as often as the interest of the City may require, all matters connected with the duties imposed on them respectively, and to recommend such action by the Council in relation thereto as may be deemed necessary or expedient.

2. To recommend to Council the implementation of all projects, schemes, programmes, etc. under its pervue for which monies have been provided in the current or capital budget as approved by Council.

3. To examine all accounts connected with the performance of any works or the purchase of any materials or goods under their supervision.

4. To consider and report upon all matters referred to them by the Council or by the Mayor

5. To receive and consider all departmental recommendations by department heads.

6. To adhere strictly in the transaction of all business, to the rules prescribed by the By-laws of the Council.

35. Committees may, if they deem it necessary or advisable, set up a Sub-Committee to deal with special or specific matters that come under the terms of reference of the Committee. The term of Sub-Committee so appointed shall be at the pleasure of the particular Standing Committee and shall be repsonsible to and report to that Standing Committee.

36. Every City department in respect to which a Standing Committee is required to report to council on matters relating to the department, shall report to the Committee and may make such recommendations to the Committee as are necessary or expedient for consideration of the Committee.

STANDING COMMITTEES OF COUNCIL

TRANSPORT AND ENVIRONMENT COMMITTEE

37. (1) In addition to any other duties prescribed under this and any other by-law of the corporation, the duties of the Transport and Environment Committee shall be as follows:

1. To report and/or recommend to City Council on all matters pertaining to provisions for the safe, efficient movement of persons and goods, and the protection of the environment from excessive air, water, ground and noise pollution.

2. To ensure that the use of public thoroughfares by contractors or individuals or by any other Committee, Commission, Company or Municipality is properly administered and regulated.

3. To ensure that surface drainage in the City of Hamilton is properly managed and administered in accordance with existing Provincial statutes and existing policies and by-laws of the City.

4. To ensure that a liaison is maintained between the City and other levels of Government on all matters of pollution control.

5. To ensure proper administration and reporting to City Council of,

   (a) all programmes to enforce by-laws in respect of all non-moving vehicular violations on public thoroughfares, municipal property, and all private properties;

   (b) all programmes of maintenance on all public thoroughfares and any other properties under the auspices of the Committee;

   (c) all matters relating to the collection of solid waste and domestic refuse;

   (d) all matters relating to the control of weeds in the City;

   (e) all matters relating to the Hamilton Civic Airport;

   (f) all matters relating to the maintenance and operation of City vehicles under the auspices of the Committee;

   (g) all matters relating to maintenance of public open spaces;

   (h) all matters relating to the construction and operation of all City-owned or operated buildings under the auspices of the Committee;

   (i) all legal surveying required by the City;

   (j) a programme to enforce noise and pollution violations in the City of Hamilton under by-law regulations.

6. To recommend to City Council,

   (a) and report on all matters relating to public thoroughfares, except those that pertain to other Boards, Commissions or Municipalities;

   (b) the planning design, and implementation of all public thoroughfare improvements;

   (c) all programmes for public thoroughfare lighting in the City;

(d) all programmes of traffic control measures;

(e) all matters pertaining to the conservation of energy relating to City operations;

(f) all plans of heavy truck routes;

(g) the awarding of contracts under the Committee's auspices;

(h) any proposed by-laws considered by the Committee;

(i) the sale and purchase of all lands under the Committee's jurisdiction.

7. To recommend annual budgetary requirements to the Finance Committee.

8. To consider and report on all matters relating to,

(a) Engineering, Airport, Harbour, (except matters under the jurisdiction of the Planning and Development Committee);

(b) the Department of Public Works, City Engineering, Traffic Deparmtent, and City functions of the Regional Engineering Department.

(2) For the purpose of this section, **"public thoroughfare"** includes streets, boulevards, sidewalks, lanes, alleys, pedestrian paths, bicycle paths, rights-of-way and unopened road allowances.

PARKS AND RECREATION COMMITTEE

38. In addition to any other duties prescribed under this and any other by-law of the corporation, the duties of the Parks and Recreation Committee shall be as follows:

1. (a) To report and/or recommend to City Council on all matters pertaining to the provision of leisure services as they relate to parks, recreation, museums and historical resources, and the provision of cemetery services.

(b) For the purpose of this Section,

(i) **"public facilities"** includes recreation centres, rinks and arenas, parks and playgrounds, museums and historical resources, and cemeteries.

(ii) **"leisure time services"** includes active, passive, cultural, spectator, and special event activities, which contribute to the well-being and personal growth and development of the participant.

2. To ensure that a programme to promote the beautification of lawns and gardens of private properties is properly administered, and reported to Council.

3. To ensure that all matters relating to the construction and operation of all City-owned or operated buildings under the auspices of this Committee are properly administered and reported to Council.

4. To ensure that all matters relating to maintenance of park lands and cemeteries are properly administered and reported to Council.

5. To ensure that a liaison is maintained between the City of Hamilton and the Boards of Education regarding the joint community use of facilities for parks and recreation purposes, and the planning and development of school/recreation and historical resource facilities.

6. To ensure that a liaison is maintained between the City of Hamilton and other independent boards and commissions, committees and groups, as related to leisure services.

7. To co-ordinate with other Committees, the planning and implementation of various neighbourhood programmes so as to ensure that projects, as they relate to parks and recreation services, are properly managed.

8. To consider and report to Council on all matters relating to the Department of Culture and Recreation and on public facilities.

9. To recommend to Council,

   (a) all programmes providing constructive leisure services;

   (b) the regulation and use of public facilities by individuals, organizations or commercial enterprises, including rental fees and/or charges relating to the use of the public facilities;

   (c) the awarding of contracts under the Committee's auspices;

   (d) any proposed by-laws considered by the Committee;

   (e) the sale and purchase of all lands under the Committee's jurisdiction.

10. To recommend annual budgetary requirements to the Finance Committee.

FINANCE COMMITTEE

39. In addition to any other duties prescribed under this and any other by-law of the corporation, the duties of the Finance Committee shall be as follows:

1. To report and/or recommend to City Council on all financial matters pertaining to the operation of the City of Hamilton, independent boards and commissions and the financial requirements of the Boards of Education and The Regional Municipality of Hamilton-Wentworth.

2. To ensure that the Current Estimates of the proposed expenditures and revenues for The Corporation of the City of Hamilton, The Hamilton Public Library Board, The Hamilton Performing Arts Corporation, Inc., The Hamilton Convention Centre, Inc. and The Parking Authority for the City of Hamilton, are prepared annually, and to submit same to Council for its approval, together with the necessary by-laws for mill rate purposes.

3. To ensure that a Capital Budget is prepared annually for a five-year period and recommended to City Council for its approval and the approval of the Ontario Municipal Board for the proposed capital spending requirements of The Corporation of the City of Hamilton, The Hamilton Public Library Board, The Hamilton Performing Arts Corporation, Inc., The Hamilton Convention Centre, Inc. and The Parking Authority for the City of Hamilton, and ensure the resulting recommendations are within the limits established by Council.

4. To ensure that the Estimates are received annually from the Board of Education for the City of Hamilton, the Hamilton-Wentworth Roman Catholic Separate School Board, and The Regional Municipality of Hamilton-Wentworth, and advise Council of the resulting levy for each of these Board and Region, together with the resulting mill rates.

5. To ensure that all matters related to the maintenance of all City-owned or operated buildings are properly managed, and reported to Council.

6. To ensure that any measures as may be deemed necessary to regulate and establish policy on all procedures connected with expenditures, revenues and investments in order to establish proper accounting procedures for not only the departments of the City of Hamilton but also for its independent boards.

7. To recommend to Council,

   (a) the awarding of contracts under the Committee's auspices;

   (b) any proposed by-laws considered by the Committee;

   (c) the sale and purchase of all lands under the Committee's jurisdiction;

   (d) the purchasing policies and procedures for The Corporation of the City of Hamilton.

8. To consider and report to Council on all matters relating to the Treasury, Purchasing, Real Estate, Architect's Departments, and the City Garage operation.

9. To receive and submit to Council the annual Financial Report for the City of Hamilton and the Independent Boards, as certified by the City Auditors, and to recommend to Council any appropriate action based on the Auditors' Report.

PLANNING AND DEVELOPMENT COMMITTEE

40. In addition to any other duties prescribed under this and any other by-law of the corporation, the duties of the Planning and Development Committee shall be as follows:

1. To report and/or recommend to City Council on all matters pertaining to the use of land and the physical development of the City of Hamilton.

2. To recommend to Council,

   (a) upon all matters under The Planning Act and any other Act that may affect land use planning and the local planning functions including,

      (i) all matters related to redevelopment programmes;

      (ii) on applications for the demolition of structures;

   (b) all matters relating to local architectural conservation and the Housing Company Limited;

   (c) the awarding of contracts under the Committee's auspices;

   (d) any proposed by-laws considered by the Committee;

   (e) the sale and purchase of all lands under the Committee's jurisdiction;

   (f) all matters relating to the harbour.

3. To decide on applications for Site Plan Control.

4. To recommend annual budgetary requirements to the Finance Committee.

5. To consider and report to Council on all matters relating to the local planning function of the Regional Planning and Development Department, the Building Department, the Community Development Department, the Property Standards Committee, the Committee of Adjustment, and the co-ordination of Lloyd D. Jackson Square.

LEGISLATION COMMITTEE

41. In addition to any other duties prescribed under this and any other by-law of the corporation, the duties of the Legislation Committee shall be as follows:

1. To report and/or recommend to City Council on all matters for which it may be necessary for the corporation to seek legislation, not directly related to other Committees, and to make recommendations pertaining to civic hospitality.

2. To recommend to City Council,

   (a) action to be taken on resolutions from other municipalities;

   (b) all matters related to civic awards;

   (c) all matters in connection with receptions and entertainment of public character;

   (d) the City's financial participation in conferences, conventions, etc.;

   (e) all tax reductions and adjustments with regard to tax appeals;

   (f) the awarding of contracts under the Committee's auspices;

   (g) any proposed by-laws considered by the Committee;

   (h) all matters relating to the Hamilton Farmers' Market.

3. To recommend annual budgetary requirements to the Finance Committee.

4. To consider and report to Council on all matters relating to the City Clerk's Department and the City of Hamilton Licensing Committee.

5. To consider requests for the use of City Hall facilities.

PERSONNEL COMMITTEE

42. In addition to any other duties prescribed under this and any other by-law of the corporation, the duties of the Personnel Committee shall be as follows:

1. To report and/or recommend to City Council on all matters relating to personnel and fire services.

2. To recommend to City Council,

   (a) procedures for establishing positions and terms of employment;

(b) establishing positions and terms of employment;

(c) duties to be performed by employees;

(d) a method for evaluating employees;

(e) the establishment of salary ranges and salaries for each position;

(f) matters relating to classification or reclassification of employees;

(g) the appointment, suspension, dismissal, termintation, resignation, retirement of,

(i) the Chief Administrative Officer, Department Heads and Deputy Heads;

(ii) all other employees upon the recommendation of the Department Head.

(h) on security to be furnished for the performance of duties by officers in accordance with subsection 94(1) and paragraph 45 of Section 208 of The Municipal Act, R.S.O. 1980, C.302;

(i) all matters pertaining to labour negotiations, collective agreeements and changes thereto, and grievances;

(j) any other agreement or contract relating to personnel;

(k) on all matters pertaining to the occupational health and safety of employees;

(l) any proposed by-laws considered by the Committee;

(m) the awarding of contracts under the Committee's auspices;

(n) the sale and purchase of all lands under the Committee's jurisdiction.

3. To consider and report to Council on all matters relating to the Personnel, Fire and Solicitor's and Chief Administrative Officer's Departments.

4. To recommend annual budgetary requirements to the Finance Committee.

5. Subject to The Statutory Powers Procedure Act, to hold hearings on appeals in respect of the administration of rules and regulations and of decisions, methods, practices, procedures and acts relating to or affecting employees and on personnel matters, upon request of an employee affected or upon initiative of a Committee, including conflict of interest policy, and to make recommendations to City Council in respect of appeals or any other matter dealt with.

6. To undertake such responsibilities relating to personnel matters as may be necessary to carry into effect personnel policy of the City.

COMMITTEES OF THE WHOLE

NOMINATING COMMITTEE

43. (1) In addition to any other duties prescribed under this and any other by-law of the corporation, the duties of the Nominating Committee shall be as follows:

1. To recommend to Council.

(a) the appointment of the Chairperson, Vice-Chairperson and the members of Council to the Standing Commitees and any Special Committees of the Council;

(b) On the appointment of the Aldermen to Standing Committees, the Aldermen in each ward shall select alternately from the list of the Committees as set out in Section 30(1) commencing with the Alderman who received the most votes in his or her respective ward until each Alderman will be serving on three Committees.

(c) the appointment of members of Council to local boards to which Council may appoint or is required to appoint members;

(d) No member of Council, except the Mayor, shall serve on or represent Council on more than a total of three Special Committees, Local Boards, Commissions or Corporations.

(e) the appointment of citizens to special committees of council, committees, body, authority and boards including local boards, to which Council may appoint or is required to appoint citizen members.

(2) For the purpose of this section, **"local board"** has the same meaning as in The Municipal Affairs Act.

PART IV

ACCESS TO INFORMATION AND MEETINGS

ACCESS TO INFORMATION

44. (1) In this section,

(a) **"document"** includes records, books, accounts, reports, agendas or any other paper prepared by an employee for submission to City Council or a standing committee or a committee, except the City of Hamilton Licensing Committee;

(b) **"employees"** means officer, servant, agent, representative and consultant.

(2) Every document shall be made available only to all members of Council as soon as it is available for distribution.

(3) Upon distribution of any document to members of Council, the document shall then be made available to any person upon request and to the Hamilton Public Library and the Wentworth County Public Library.

(4) Subsection 3 shall not apply, unless otherwise directed by Council, to documents relating to the following matters:

1. Matters relating to specific properties to be acquired or to be disposed of by the City and related negotiations.

2. Matters related to preliminary discussions concerning the location, re-location or expansion of businesses when requested to do so.

3. Matters relating to wages, salaries, benefits and discipline of personnel.

4. Collective bargaining matters.

5. Matters relating to litigation or communication respecting solicitor-client relationships including legal opinions and advice.

(5) All documents relating to the matters enumerated in subsection 4 shall be marked "Confidential", but no document relating to the said matters not marked "Confidential" shall exempt the document or the matter from the provisions of subsection 4.

(6) Notwithstanding subsection 5, Council may by resolution, or by a standing committee may by a majority vote of all members thereof, consider, discuss or otherwise deal with any matter enumerated in subsection 4, in public.

(7) In addition to inspection in accordance with subsection 1 of Section 78 of The Municipal Act, all documents other than documents relating to matters enumerated in subsection 4, shall be made available for inspection by any person, at all reasonable hours, at the office of the City Department in whose principal jurisdiction is the subject matter of the document.

ACCESS TO MEETINGS OF COMMITTEES

45. (1) Meetings of standing committees and committees shall be open to the public and no person shall be excluded therefrom except,

(a) in the case of a standing committee, where matters enumerated in subsection 4 of Section 44 are under consideration unless the committee otherwise decides by a majority vote of all members thereof;

(b) for improper conduct.

(2) Every final recommendation of a standing committee and every final decision of the Council in respect of any matter enumerated in subsection 4 of Section 44, shall be made in public.

46. The following rules shall apply at a meeting of a committee:

1. The Chairperson of the Committee, or in his/her absence, the Vice-Chairperson, shall deal with all requests to address the committee on any item in the committee's agenda, in a manner approved by the Chairman, and a majority of the members of the committee present.

2. Every person shall notify the City Clerk at least 72 hours prior to the scheduled time of the meeting stating the nature of any matter requested to be added to the agenda for the meeting and respecting which he proposes to make a submission.

47. (1) By-law No. 1, passed on the 27th day of December, 1910, as amended from time to time, and By-laws Nos. 1124, 1253, 1284, 1353, 1433, 1449, 2646, 3413, 3734, 3738, 72-288, 81-019, 82-60, and 82-93, are repealed.

(2) By-law No. 81-3, passed on the 1st day of December 1980, is repealed.

The short title of this By-law is "The Procedural By-law".

PASSED this 28th day of September A.D. 1982.

E. A. Thompson
City Clerk

William Powell
Mayor

SCHEDULE "A"

to By-law No. 82 - 203

(sections 1 and 6)

1. In this schedule,

(a) "A", in column 1 of a Table, refers to the Alderman receiving the higher number of votes in the Ward;

(b) "B", in column 1 of a Table, refers to the Alderman receiving the lesser number of votes in the Ward;

(c) "Table" means a Table set out in this schedule.

2. Every Alderman referred to in a Table and acting as Mayor, shall so act as Mayor during,

(a) the 1st year of his term of office as set out in Table 1,

(b) the 2nd year of his term of office as set out in Table 2, and

(c) the 3rd year of his term of office as set out in Table 3,

successively by Wards referred to in Column 1 for the corresponding months set out in Column 3.

TABLE 1

WARD NO. (Col. 1)	ALDERMAN (Col. 2)	MONTH (Col. 3)
1	A	DECEMBER
1	B	JANUARY
2	A	FEBRUARY
2	B	MARCH
3	A	APRIL
3	B	MAY
4	A	JUNE
4	B	JULY
5	A	AUGUST
5	B	SEPTEMBER
6	A	OCTOBER
6	B	NOVEMBER

TABLE 2

WARD NO. (Col. 1)	ALDERMAN (Col. 2)	MONTH (Col. 3)
7	A	DECEMBER
7	B	JANUARY
8	A	FEBRUARY
8	B	MARCH
1	A	APRIL
1	B	MAY
2	A	JUNE
2	B	JULY
3	A	AUGUST
3	B	SEPTEMBER
4	A	OCTOBER
4	B	NOVEMBER

TABLE 3

WARD NO. (Col. 1)	ALDERMAN (Col. 2)	MONTH (Col. 3)
5	A	DECEMBER
5	B	JANUARY
6	A	FEBRUARY
6	B	MARCH
7	A	APRIL
7	B	MAY
8	A	JUNE
8	B	JULY
1	A	AUGUST
1	B	SEPTEMBER
2	A	OCTOBER
2	B	NOVEMBER

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